

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 21, 2020**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONICA PESINA, (01) and  
NICHOLAS SEAN CARTER, (02)

Defendants.

No. 4:19-cr-06063-SMJ-01  
4:19-cr-06063-SMJ-02

**ORDER RESETTING  
DEFENDANT CARTER'S (02)  
MOTION AND MEMORANDUM  
RE: SUPPRESSION OF  
EVIDENCE, DEFENDANT  
CARTER'S (02) MOTION AND  
MEMORANDUM TO SUPPRESS  
STATEMENTS AND EVIDENCE,  
PRETRIAL CONFERENCE,  
TRIAL, AND RELATED CASE  
MANAGEMENT DEADLINES**

Pursuant to Eastern District of Washington General Order No. 20-101-4, and in light of the evolving public health crisis caused by the outbreak of the Coronavirus Disease 2019 (COVID-19) and the recently-declared national emergency, the Court finds the interests of justice require Defendant Carter's (02) Motion and Memorandum Re: Suppression of Evidence and Defendant Carter's (02) Motion and Memorandum to Suppress Statements and Evidence hearing, currently set for May 4, 2020 and May 5, 2020, be **RESET** to June 3, 2020. The Court also finds the resulting delay requires the Pretrial Conference, currently set

1 for May 28, 2020, be **RESET** to July 2, 2020, and the jury trial, currently set to  
2 commence on June 22, 2020, be **RESET** to July 27, 2020. Specifically, the Court  
3 finds failing to reschedule the motions hearing poses an undue risk of transmission  
4 of the virus, including to Defendant, counsel, Court staff, law enforcement  
5 personnel, and the public at large. Moreover, the impact of public health advisories  
6 has reduced the availability of Court staff to conduct the hearing as scheduled.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 **1.** Defendant Carter's (02) Motion and Memorandum Re: Suppression of  
9 Evidence, **ECF No. 70**, and Defendant Carter's (02) Motion and  
10 Memorandum to Suppress Statements and Evidence, **ECF No. 71**,  
11 currently set for May 4, 2020 and May 5, 2020 is **STRICKEN** and  
12 **RESET to June 3, 2020 at 8:30 A.M. in Richland.**

13 **2.** The Pretrial Conference, currently set for May 28, 2020, is  
14 **STRICKEN and RESET to July 2, 2020 at 9:15 A.M. in Richland.**

15 **3.** The jury trial, currently set to commence on June 22, 2020, is  
16 **STRICKEN and RESET to July 27, 2020 at 9:00 A.M. in Richland.**

17 The final pretrial conference will commence at **8:30 A.M.** on the first  
18 day of trial.

19 **4.** The Court finds, given the outbreak of the COVID-19 virus, that  
20 failing to reschedule the hearing would result in undue risk to

1 Defendant, counsel, law enforcement, Court staff, and the public at  
2 large. The Court also finds the impact of public health advisories on  
3 the availability of Court staff requires the hearing be rescheduled. The  
4 Court, therefore, finds the ends of justice served by resetting the  
5 hearing in this matter outweigh the best interest of the public and  
6 Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

7 **5.** Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court **DECLARES**  
8 **EXCLUDABLE from Speedy Trial Act calculations** the period  
9 from **May 4, 2020** the date of the original hearing, through **June 3,**  
10 **2020**, the date of the rescheduled hearing, as the period of delay  
11 required by the interests of justice.

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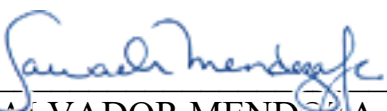
6. In light of the delay associated with this Order, the remaining case management dates and deadlines in this matter are amended as follows:

	<b>Current Date/Deadline</b>	<b>Revised Date/Deadline</b>
USAO Expert Notice: Defense Expert:	<b>April 3, 2020 April 17, 2020</b>	<b>May 4, 2020 May 18, 2020</b>
All pretrial motions, including discovery motions, <i>Daubert</i> motions, and motions <i>in limine</i> , filed	<b>April 17, 2020</b>	<b>May 28, 2020</b>
Defendant Carter's (02) Motion and Memorandum Re: Suppression of Evidence, <b>ECF No. 70</b> and Defendant Carter's (02) Motion and Memorandum to Suppress Statements and Evidence, <b>ECF No. 71</b>	<b>May 4, 2020 and May 5, 2020 9:00 A.M. Richland</b>	<b>June 3, 2020 8:30 A.M. Richland</b>
<b>PRETRIAL CONFERENCE</b> <i>Deadline for motions to continue trial</i>	<b>May 28, 2020 9:00 AM - RICHLAND</b>	<b>July 2, 2020 9:15 AM - RICHLAND</b>
CIs' identities and willingness to be interviewed disclosed to Defendant (if applicable)	<b>May 29, 2020</b>	<b>July 13, 2020</b>
Grand jury transcripts produced to Defendant		
Case Agent:	<b>May 29, 2020</b>	<b>July 13, 2020</b>
CIs:	<b>May 29, 2020</b>	<b>July 13, 2020</b>
Other Witnesses:	<b>May 29, 2020</b>	<b>July 13, 2020</b>
Exhibit lists filed and emailed to the Court	<b>June 15, 2020</b>	<b>July 21, 2020</b>
Witness lists filed and emailed to the Court	<b>June 15, 2020</b>	<b>July 21, 2020</b>
Trial briefs, jury instructions, verdict forms, and requested voir dire filed and emailed to the Court	<b>June 15, 2020</b>	<b>July 15, 2020</b>

Exhibit binders delivered to all parties and to the Court	<b>June 15, 2020</b>	<b>July 17, 2020</b>
Delivery of JERS-compatible digital evidence files to the Courtroom Deputy	<b>June 15, 2020</b>	<b>July 21, 2020</b>
Trial notices filed with the Court	<b>June 17, 2020</b>	<b>July 17, 2020</b>
Technology readiness meeting (in-person)	<b>June 17, 2020</b>	<b>July 21, 2020</b>
<b>JURY TRIAL</b>	<b>June 22, 2020 9:00 AM - RICHLAND</b>	<b>July 27, 2020 9:00 AM - RICHLAND</b>

**IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and provide copies to all counsel, the U.S. Probation Office, and the U.S. Marshals Service.

**DATED** this 21st day of April 2020.

  
 SALVADOR MENDOZA, JR.  
 United States District Judge